

Procedure Code, the learned Advocate General referred to certain decisions particularly A.I.R. 1928-Bombay, page 300 and A. I. R. 1940 Rangoon, and stated that proceedings under section 176 of the Criminal Procedure Code are judicial proceedings and any comment in respect of them would amount to contempt. He next advanced the view that as laid down in I.L.R. 1939—Madras and A.I.R. 1943 Lahore, an offence of contempt may be committed even if there is no proceeding or cause actually pending, provided that such proceeding or cause is imminent and the writer of the offending publications either knew it to be imminent or should have known that it was imminent.

The learned Advocate General has subsequently written to me to say that he has come across a more recent decision of the Punjab High Court in which it has been held that a Magistrate holding an enquiry under section 176 of the Criminal Procedure Code cannot be considered to be performing the functions of a Court of Law. He has stated in his letter that any comment outside the House not being contempt in the circumstances there is no restriction of comment within the House. In view of this decision and the view now expressed by the learned Advocate General, I must hold that for the purpose of rule 40 (f) an enquiry under section 176 of the Criminal Procedure Code cannot be considered to be a matter which is under adjudication by a court of law. The objection of *sub judice* will not therefore apply. The general question of whether what should be excluded from the debate would be whatever would amount to contempt of court, need not be either examined or decided on the present occasion. This would require much more detailed examination particularly as the composition and powers of the Legislature under the Constitution require that fullest freedom of speech should be conceded to members and any limitation on this freedom which is essential for the proper discharge of their functions and duties should be construed very strictly. For instance, while in some

cases it has been held to be contempt even if a proceeding or cause is not actually pending but is imminent, the extension of this principle to the debates in this House may really lead to such curtailment as may interfere with the proper discharge of the duties by members. However as I stated it is not necessary for me to decide this issue on this occasion.

While the objection of *sub judice* may not apply, I am afraid that there are other rulings of our own Assembly as well as of other Legislatures which prevent me from accepting this Notice. There are long series of rulings to the effect where other parliamentary opportunities are available very soon for raising the matter which is the subject matter of adjournment, such adjournment motions are inadmissible. Hon'ble Members will have sufficient opportunity during debate on the Budget to raise this issue. There is also a short notice question which is pending and is likely to be taken up soon. In view of these opportunities, the adjournment motions become inadmissible and I hold that they are out of order. I must also add at the end that today we are discussing Vote on Account and Members are at full liberty to make their comments on this incident.

Members' Representations.

ಶ್ರೀ ಕೆ. ಕೆಂಚಪ್ಪ (ಪಿರಿಯೂರು).—ವೋಟ್ ಆನ್ ಅಕೌಂಟ್ ಬಂದಾಗ ನಿನಗೆ ದಿವಸ

ಅಧ್ಯಕ್ಷರು.—ನನ್ನ ಒಪ್ಪಿಗೆಯನ್ನು ಪಡೆದುಕೊಂಡರೆ ಮಾತನಾಡಲು ಅವಕಾಶ ಕೊಡುತ್ತೇನೆ. ನನ್ನ ಚೇಂಬರಿನಲ್ಲಿ ಬನ್ನಿ. ಒಪ್ಪಿಗೆಯನ್ನು ತೆಗೆದುಕೊಂಡು ಆಮೇಲೆ ಮಾತನಾಡಿ.

ಶ್ರೀ ಕೆ. ಕೆಂಚಪ್ಪ.—ಈ ಹೌಸ್‌ನಲ್ಲಿ ಕೆಲವು ವಿಚಾರ ಹೇಳಬೇಕು.

ಅಧ್ಯಕ್ಷರು.—ನಭೆಯಲ್ಲಿ ಅನುಮತಿಯನ್ನು ಕೊಡುವುದಿಲ್ಲ. ಅದು ತೊಡಕಿಗೆ ಬೀಳುತ್ತದೆ. ಬಹಳ ಜನ ಹೇಳಿಕೆಯನ್ನು ಕೊಡಲು ಅನುಮತಿ ಕೊಡಿ ಎಂದರೆ ಅದರಿಂದ ಏನೂ ಉಪಯೋಗ ಆಗುವುದಿಲ್ಲ. ನನ್ನ ಚೇಂಬರಿನಲ್ಲಿ ಬಂದು ಮಾತನಾಡಿ ಅನುಮತಿಯನ್ನು ಪಡೆಯಬಹುದು.

ಶ್ರೀ ಕೆ. ಕೆಂಚಪ್ಪ.—ವಿರೋಧಪಕ್ಷದವರ ಎಲ್ಲರ ಪರವಾಗಿ ನನ್ನ ಅಸೆಂಬ್ಲಿ ಮೆಂಬರುಗಳಿಗೆ ಇರತಕ್ಕ ಹಕ್ಕು ಬಾಧ್ಯತೆಗಳಿಗೆ ಚ್ಯುತಿ ಬಂದಿರುವ ವಿಚಾರದಲ್ಲಿ ಒಂದು ಅಪ್ಪಿಕೇಷನ್ ಕೊಡುವವರಾಗಿದ್ದೇವೆ. ಒಂದು ಪ್ರಿವಿಲೇಜ್ ಮೋಷನ್ ಇದೆ.

ಅಧ್ಯಕ್ಷರು.—ಪ್ರಿವಿಲೇಜ್ ಮೋಷನ್ ಕೊಟ್ಟಿದ್ದೀರಿ. ಶ್ರೀ ಕೆ. ಕೆಂಚಪ್ಪ.—ಬೇರೆ ಒಂದು ಕೊಡಬೇಕಾಗುತ್ತದೆ.

ಅಧ್ಯಕ್ಷರು.—ಕೊಡಿ.

ಶ್ರೀ ಕೆ. ಕೆಂಚಪ್ಪ.—ಅದರ ವಿಚಾರದಲ್ಲಿ ಸ್ಟೇಟ್ ಮೆಂಟ್ ಮಾಡಬೇಕಾಗಿದೆ.

ಅಧ್ಯಕ್ಷರು.—ನನ್ನ ಕೈಗೆ ಬಂದಿಲ್ಲ. ನೀವು ಕೊಟ್ಟಿದ್ದೀರೆಂದು ಗೊತ್ತಾಯಿತು. ಆಲೋಚನೆ ಮಾಡೋಣ. ಅದನ್ನು ಪರಿಶೀಲಿಸಬೇಕು. ಪ್ರಿವಿಲೇಜ್ ಮೋಷನ್ ನಲ್ಲಿ ಪ್ರತಿಮೂರ್ತಿನ ಕೇಸು ಇದೆಯೋ ಇಲ್ಲವೋ ನೋಡಬೇಕಾಗುತ್ತದೆ.

ಶ್ರೀ ಕೆ. ಕೆಂಚಪ್ಪ.—ಅದರ ವಿಚಾರದಲ್ಲಿ ಹೇಳಬೇಕು.

Mr. SPEAKER.—I must be satisfied that there is a *prima facie* case. The office has received the notice. That will be examined. If there is a *prima facie* case, I will allow you to raise it here.

ಶ್ರೀ ಕೆ. ಕೆಂಚಪ್ಪ.—ಅಪ್ಪಿಕೇಷನ್‌ನಲ್ಲಿ ಎಲ್ಲವನ್ನೂ ಬರೆಯುವುದಕ್ಕೆ ಆಗುವುದಿಲ್ಲ. ಸ್ವಲ್ಪ ವಿಚಾರ ಸ್ಪಷ್ಟೀಕರಿಸಿ ಹೇಳಬೇಕಾಗಿ ಬರುತ್ತದೆ.

ಅಧ್ಯಕ್ಷರು.—ನಿಯಮಗಳ ಪ್ರಕಾರ ಬರವಣಿಗೆಯಲ್ಲಿ ಕೊಡಬೇಕೆಂದಿದೆ. ಹಾಗೆ ಕೊಟ್ಟಮೇಲೆ *prima facie* case ಇದೆಯೆ ಎಂಬುದನ್ನು ಪರಿಶೀಲಿಸಬೇಕು. ಆ ಮೇಲೆ ಅದಕ್ಕೆ ಅನುಮತಿ ಕೊಡುವುದು ಬಿಡುವುದು ಎಂಬುದನ್ನು ತೀರ್ಮಾನ ಮಾಡುವುದು.

ಶ್ರೀ ಕೆ. ಕೆಂಚಪ್ಪ.—173 ನೆಯ ವಿದಿಯ ಪ್ರಕಾರ ಇಂಥಾ ಸೂಚನೆಯನ್ನು ತಕ್ಷಣ ಚರ್ಚೆ ಮಾಡಬೇಕೆಂದಿದೆ.

ಅಧ್ಯಕ್ಷರು.—ನನ್ನ ಅವಲೋಕನಕ್ಕೆ ಕೂಡ ಅವಕಾಶವಿಲ್ಲದೆ ಹೇಗೆ ಇತ್ಯರ್ಥ ಮಾಡುವುದು?

ಶ್ರೀ ಕೆ. ಕೆಂಚಪ್ಪ.—ನಾವು ಅದನ್ನು ಕೊಟ್ಟು ಬಹಳ ಹೊತ್ತಾಯಿತು.

Sri J. B. MALLARADHYA (Nanjangud).—Sir, I am the person who has given notice for the privilege motion and if I remember correctly, I have given it within half-an-hour of my entering the Assembly Hall. I request kind indulgence of the Speaker to give a chance to the Leader of the Opposition to explain.

Mr. SPEAKER.—I do not deny the chance to the Leader of the Opposition. But, I must find out whether there is *prima facie* case or not. You say, you have given it about 8-30. I am in the House since this morning; how can I examine it? I will consider it later on.

Sri J. B. MALLARADHYA.—The position requires a little latitude.

ಅಧ್ಯಕ್ಷರು.—ನೀವು ನಮ್ಮ ಸೂಚನೆಯನ್ನು ಅರ್ಧ ಗಂಟೆಯ ಹಿಂದೆ ಕೊಟ್ಟಿದ್ದಾಗಿ ಹೇಳುತ್ತೀರಿ. ನಾನು ಹೊರಗಡೆ ಇದ್ದಿದ್ದರೆ ಅದನ್ನು ನೋಡುತ್ತಿದ್ದೆ. ನಾನು

ಈವರೆಗೂ ಸಭೆಯಲ್ಲಿದ್ದೇ ಇದ್ದೇನೆ. ಅದನ್ನು ನೋಡಿ ಪರಿಶೀಲನೆ ಮಾಡುವುದು ಹೇಗೆ ಸಾಧ್ಯ?

ಶ್ರೀ ಕೆ. ಕೆಂಚಪ್ಪ.—173 ನೆಯ ವಿದಿಯಲ್ಲಿ ಹೀಗಿದೆ:

“(2) A motion on a matter of privilege arising during the sitting of the Assembly is, notwithstanding anything contained in rules 41 and 43 entitled “to immediate precedence over all other business,”

ಅಧ್ಯಕ್ಷರು.—*Prima facie* case ಇದೆಯೆ ಎಂಬುದನ್ನು ನೋಡದೆ ಹೇಗೆ ಅದರ ಚರ್ಚೆಗೆ ಅವಕಾಶ ಕೊಡುವುದು? Should I not examine it?

Sri J. B. MALLARADHYA.—It is for this reason, Sir. The consequent conduct of the proceedings of this House is depending on the statement you are making. In fact, the privilege motion is not going to be discussed immediately.

Mr. SPEAKER.—I have made the position clear. Unless there is *prima facie* case, I cannot allow. Since I am sitting in the House, I had no opportunity to examine the motion. I must have some time to consider whether it is permissible or not.

Sri B. K. PUTTARAMIYA (Channapatna).—I rise to a point of order, Sir. ನಮ್ಮ ಪ್ರಶೋತ್ತರ ಕಾಲವಾದಮೇಲೆ, ಹೇಳಿಕೆಗಳನ್ನು ಕೊಡುವುದಕ್ಕೆ ಅವಕಾಶಕೊಡುವ ಸಂಪ್ರದಾಯವನ್ನು ಹಾಕಿದ್ದೀರಿ. ಆದರಂತೆ ನಮಗೆ ಸ್ಟೇಟ್‌ಮೆಂಟ್ ಮಾಡುವುದಕ್ಕೆ ಅವಕಾಶವಿದೆಯೆ ಅಥವಾ ಇಲ್ಲವೆ ಎನ್ನುವ ಬಗ್ಗೆ ತಮ್ಮ ರೂಲಿಂಗ್ ಕೊಡಬೇಕು.

ಅಧ್ಯಕ್ಷರು.—ಇದು ಹಳೆಯ ಮಾತು. ಇದರಲ್ಲಿ ‘ಪಾಯಿಂಟ್ ಆಫ್ ಆರ್ಡರ್’ ಎನೂ ಇಲ್ಲ. Clarification ಬೇಕು ಅಷ್ಟೆ. ಯಾರಾದರೂ ಒಂದು ‘ಪ್ರಿವಿಲೇಜ್ ಮೋಷನ್’ ಕೊಟ್ಟರೆ ನಾನು ಅದನ್ನು ಪರಿಶೀಲಿಸಬೇಕು. ನನ್ನಲ್ಲಿ ಒಂದು ಅನುಮತಿ ಪಡೆದು ಸ್ಟೇಟ್‌ಮೆಂಟ್ ಮಾಡಬೇಕು. ಸ್ಪೀಕರ್ ಅನುಮತಿಯಿಲ್ಲದೆ ಮಾಡುವುದಕ್ಕಾಗುವುದಿಲ್ಲ.

Sri B. K. PUTTARAMIYA.—I raise another point of order.

ಎನ್ನೆಯ ದಿವಸ ನಾವು ಡಿವಿಜನ್ ಕೇಳಿದಾಗ ನಮ್ಮ ಕಡೆ 34 ಜನರಿದ್ದಾಗ ಈ ಸರ್ಕಾರ ಹೋಯಿತು...

Mr. SPEAKER.—I will not allow any Hon'ble member to raise that question. I have already said that I will examine the motion that is tabled and if I think that there is a *prima facie* case, I shall allow it. Directly or indirectly I will not allow this matter to be discussed. There is an end of the matter.

Sri Y. VEERAPPA (Holenarasipur).—Sir, you were pleased to make some observation regarding the adjournment motion. For heaven's sake, I am not entering into the merits or finding fault with the decision of the esteemed Chair. You were pleased to state that it does not amount to adjudication because of several reasons. Would it not frustrate rule 40 of the VIII Chapter if opportunity is not accorded to discuss this matter—an important matter of recent nature which affects the prestige, honour and safety of our brothers and sisters?

Mr. SPEAKER.—After all, the Hon'ble Member is trying to over-ride my ruling in an indirect method. I have said that I have disallowed the adjournment motion. There is the end of the matter. If the Hon'ble Member wants to speak on the matter, there is an opportunity because we are going to discuss the Vote on Account.

PAPERS LAID ON THE TABLE.

Sri C. M. POONACHA (Minister for Industries and Home Affairs).—Sir, I beg to lay on the Table the State Transport Undertakings (Mysore) Rules, 1958 issued under Section 68-1 of the Motor Vehicles Act, 1939 (Central Act IV of 1939).

BUDGET FOR 1958-59—DEMANDS FOR GRANTS ON ACCOUNT.

No. 2—Land Revenue

7. Land Revenue

Mr. SPEAKER.—Motion moved :

“That a sum not exceeding Rs. 50,79,000 be granted ‘on account’ to the Government to defray the charges which will come in course of payment during the period from 1st April 1958 to end of 31st day of July 1958, in respect of ‘Land Revenue’.”

Before discussion starts, I must say that members should take that all the Demands are before the House and they

may make remarks in respect of all the Demands including the one which I have now put before the House.

ಶ್ರೀ ಬಿ. ಕೆ. ಪುಟ್ಟರಾಮಯ್ಯ (ಚನ್ನಪಟ್ಟಣ).—ಸ್ವಾಮಿ, ನಾವು ನಿನ್ನ ಸೋಲಿಸರತಕ್ಕ ಸರ್ಕಾರ ಈಗ ಮಂಡಿಸಿರತಕ್ಕ ‘Vote on Account’ ಮೇಲೆ ಮಾತನಾಡಲು ಭಾಗವಹಿಸುವುದಿಲ್ಲ. ನಾವು ಹೊರಟು ಹೋಗುತ್ತೇವೆ. We stage a walk out.

(The Opposition members withdrew from the House.)

Sri V. P. DEENADAYALU NAIDU (Cubbonpet).—Sir, I have a small technical difficulty which I would like to place before you. I want to know whether this Vote on Account is placed before the House under the provisions of Rule 127 of the Rules of Procedure and Conduct of Business of the House. I hope that the vote on account for the period from 1st April to end of July will have to be covered by certain provisions and it is under the provisions of Rule 127 that it is placed before the House. Therefore it is also necessary that it should be circumscribed by Rule 121 relating to demands for grants and so this has to be done in consultation with the Estimates Committee. I would like to know the necessity for placing before this House the vote on account for a period of 4 months. An explanation for the same may kindly be given. I would also like to know the opinion of the Estimates Committee when it was consulted as contemplated by the provisions of Rule 121.

Mr. SPEAKER.—The Estimates Committee is supposed to send the form only.

Sri V. P. DEENADAYALU NAIDU.—I want to know why this piecemeal vote on account is being placed before the House.

Sri S. NIJALINGAPPA (Chief Minister).—I think I have already explained the reasons for adopting this method. This method has been adopted because by that members may have the opportunity of discussing the budget at greater length item by item and department by department when the demands for grants come before the House instead of being required to finish the discussion before the end of